

Application No.: 10/716,739
Applicant: PANDIAN et al.
Filed: November 18, 2003
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Remarks

Claims 23-25 and 42-50 are currently pending.

The Office Action states that a restriction of inventions is required under 35 U.S.C. § 121. The Examiner has identified Group I (claims 23-25 and 42-44) drawn to a method for detecting a trophoblastic disease in a subject, classified in class 435, subclass 7.1; and Group II (claims 45-50) drawn to a method for detecting a trophoblastic disease in a subject, classified in class 436, subclass 510.

Applicant hereby elects, with traverse, Group I (claims 23-25 and 42-44).

Applicant respectfully traverses the restriction requirement, and submits that there would be no burden on the Examiner to search or examine the claims of Groups I and II if they were grouped together. Both groups are drawn to methods for detecting a trophoblastic disease in a subject. In addition, both groups of claims contain the steps of (i) contacting a biological sample obtained from a subject with antibodies that bind hyperglycosylated human chorionic gonadotropin; (ii) confirming the subject is not pregnant; and (iii) determining an amount of hyperglycosylated human chorionic gonadotropin present in the sample. Claim 23 includes additional steps that are not precluded from claim 45. Applicant submits that simply not reciting the same steps in the method claims is not sufficient to support the Examiner's contention that the methods have different modes of operation and are not capable of use together. Applicant submits that the method of claim 45 could be practiced by including the additional steps recited in claim 23, and therefore, the methods of the present claims can be used together and do not necessarily have different modes of operation. Therefore, applicant respectfully submits that the restriction of Group I and Group II is improper, and requests the Examiner to rejoin the claims of Group I and Group II, and that examination be conducted on the claims of the combined group (i.e., claims 23-25 and 42-50).

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If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicant's undersigned representative invites the Examiner to telephone him at the number provided below.

Respectfully submitted,

Date: January 10, 2005

/Greg S. Hollrigel/

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